

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

REX SITZMORE,

Plaintiff,

v.

MATT MCCONKEY, PATRICK MEYER
and FAYETTE COUNTY JAIL,

Defendants.

Case No. 17-cv-840-JPG-RJD

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 33) of Magistrate Judge Reona J. Daly recommending that the Court grant the motion to dismiss for lack of prosecution filed by defendants Matt McConkey and Patrick Meyer (Doc. 28) and dismiss this case with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. Accordingly, the Court hereby:

- **ADOPTS** the Report in its entirety (Doc. 33);
- **GRANTS** the defendants’ motion to dismiss (Doc. 28);

- **DISMISSES** the remaining claims in this case **with prejudice** pursuant to Rule 41(b);
and
- **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: November 28, 2018

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE